IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

Writ Petition No. 1359 /2002.

PETITIONER : Ashok Kumar Kashyap s/o Late Bechu Ram, aged about 31 years, r/o Village Ramanujganj, Distt. Surguja, C.G.

P.R. No. 1358/02
Presented by Shri A.K. Paikra
dated 06.07.02

V E R S U S.

RESPONDENTS :

1. The State of Chhattisgarh, through the Secretary, School Education Department, Raipur, C.G.

2. Director, Public Education, Chhattisgarh, Raipur, C.G.

3. District Education Officer, Ramanujganj, Head Office Ambikapur, At/Post Ambikapur, District Surguja, C.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1359 of 2002

Petitioner : Ashok Kumar Kashyap.

Versus

Respondents : The State of Chhattisgarh & Ors.

Shri A.K. Prasad, counsel for the petitioner.
Shri Ajay Dwivedi, panel lawyer for the State/respondents.

ORAL ORDER

(17th April, 2006)

1. The petitioner happens to be the son of late Shri Bechu Ram, who died in harness on 24.10.98. Late Shri Bechu Ram was working as Head Master, Primary School, Kanchannagar, Tehsil Ramanujganj, District Surguja, (C.G). The petitioner is one of the legal heirs of late Shri Bechu Ram. Other legal heirs are Smt. Chatni Devi (wife), Vijay Kumar Kashyap (son), and Ku. Rekha (daughter).

2. The petitioner made an application on 16.6.99 (Annexure P-1) for appointment on compassionate basis. The respondents declined the compassionate appointment on various grounds.

3. Being aggrieved, the petitioner has filed this petition seeking quashing of the impugned order dated 14.5.2002 and the communication memo dated 25.6.2002. It was further prayed that the respondents be directed to

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consider the case of the petitioner to issue compassionate appointment order in his favour.

4. In a batch of matters wherein, identical issue of compassionate appointment was involved, this Court by judgement and order dated 20.12.2005 observed as under:

> "In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the State and the authorities concerned to consider and decide the cases of the petitioners/dependants of the employees who died on 1-11-1997 and thereafter in accordance with the policy which was in force at the time of death of the employee. Each and every individual case will be decided and if the person found eligible, appointment orders will be issued as early as possible on or before **30th April, 2006.** The petitioners are also directed to render due co-operation to the authorities. It is made clear that if any grievance still remains, the petitioners may avail the remedy available under the law including filing of the petition before this Court."

5. The respondents have clearly stated that the case of the similarly situated petitioners will be considered and decision will be taken at the earliest.

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6. In view of the foregoing, the present case is squarely covered by the order dated 20.12.2005 passed in W.P. No. 1336/2002 (Rakesh Kumar Dewangan Vs. The State of Chhattisgarh & Ors.), and other connected matters, passed by this Court.

7. The petition is accordingly disposed of in view of the above stated facts. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gowri